

2-5-2007

TANGIBLE BALLOTS. DIRECT-RECORDING ELECTRONIC DEVICES. STATUTE.

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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

May 24, 2007

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND
PROPOSERS (07071)

FROM: KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: WITHDRAWAL OF INITIATIVE #1235

The proponent of the hereinafter named proposed INITIATIVE STATUTE has withdrawn the measure from circulation.

TITLE: Tangible Ballots. Direct-Recording Electronic Devices.
Initiative Statute.

SUMMARY DATE: February 5, 2007

PROPOSER: Harry V. Lehmann




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February 5, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENTS
(07018)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1235**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**TANGIBLE BALLOTS.
DIRECT-RECORDING ELECTRONIC DEVICES.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Harry V. Lehmann
P.O. Box 1846
Novato, CA 94948-1846

(415) 897-2121

#1235

**TANGIBLE BALLOTS.
DIRECT-RECORDING ELECTRONIC DEVICES.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date:Monday, 02/05/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Monday, 02/05/07
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Thursday, 07/05/07
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Tuesday, 07/17/07

(If the Proponent files the petition with the county on a date prior to
07/05/07, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties Thursday, 07/26/07*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)).....Friday, 09/07/07

*Date varies based on the date of county receipt.

INITIATIVE #1235

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/26/07, the last day is no later than the thirtieth working day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a))Monday, 09/17/07*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)) Tuesday, 10/30/07

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/17/07, the last day is no later than the thirtieth working day after the county's receipt of notification)
(EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Saturday, 11/03/07*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 J STREET, SUITE 125
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February 5, 2007

FILED
In the office of the Secretary of State
of the State of California

FEB 05 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

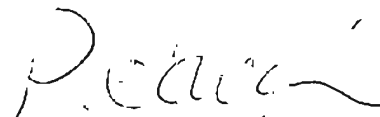
RE: Title and Summary for Initiative No. 06-0040
TITLE: TANGIBLE BALLOTS. DIRECT-RECORDING ELECTRONIC DEVICES.
INITIATIVE STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions of sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 06-0040 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



PATRICIA GALVÁN

Statewide Initiative and Ballot Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponent's available information:

HARRY V. LEHMANN
1450 Grant Avenue, Suite 205
P.O. Box 1846
Novato, CA 94948-1846
Telephone: (415) 897-2121

Date: February 5, 2007
Initiative No. 06-0040

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TANGIBLE BALLOTS. DIRECT-RECORDING ELECTRONIC DEVICES. INITIATIVE

STATUTE. Amends definition of "ballot" to require votes on a direct-recording electronic

device, such as a touchscreen, result in a paper or other tangible ballot. Requires paper or other

tangible ballot to be a physical object that may be indelibly marked by voters' physical action and

be susceptible to counting through use of ordinary physical senses. Does not prohibit use of

electronic, mechanical, or optical voting or vote counting, so long as tangible physical object

results. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on

state and local governments: One-time costs potentially in the tens of millions of dollars to

replace or alter voting equipment. (06-0040.)

Harry Vere Lehmann
Timothy J. Tomlin
Attorneys At Law

LEHMANN LAW OFFICE
1450 Grant Avenue, Suite 205
P. O. Box 1846
Novato, California 94948-1846

Area Code 415
Telephone: 897-2121
Facsimile: 898-6959

December 4, 2006

RECEIVED

DEC - 8 2006

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

Re: California Tangible Ballot Act of 2008
Request For Preparation of Title and Summary of Chief Purposes and
Points of Proposed Initiative Measure (Election Code §9002)

Dear Coordinator:

Please find enclosed a draft of our proposed initiative measure entitled "California Tangible Ballot Act of 2008." It is submitted pursuant to Election Code §9002, and we hereby request the preparation of a "Title" and a "Summary of Chief Purposes and Points."

By way of explanation for preparation of the "Summary," this initiative measure seeks to limit voting to the use of tangible ballots only, and therefore to eliminate the use of purely electronic ballots and all of their attendant risks, notwithstanding the paper audit trail provisions now in place. Given the special circumstances of disabled voters and the federal Help America Vote Act ("HAVA") 42 U.S.C. § 15481 et seq., this proposed initiative measure allows continued use of "electronic voting equipment" for disabled persons, so long as a tangible ballot results.

The required check for \$200 is also enclosed, along with an Elections Code §9608 Statement.

Please provide us with the Official Summary date and Calendar of Deadlines when those dates are established.

Thank you for your assistance.

Very truly yours,



Harry V. Lehmann

enclosures

State Initiative - as submitted to the Attorney General on December 4, 2006

Title and Text of Proposed Law: -California Tangible Ballot Act of 2008-

The Purpose of the proposed law is to Amend Elections Code §301 as follows:

(*Italics* denote deleted portions, underline denotes added text)

Elections Code §301

A "ballot" means any of the following:

- (a) A single card with prescored, number positions that is marked by the voter with a punching device and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.
- (b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.
- (c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.
- (d) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of the electronic device.

Current subsection to be deleted: *(e) An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen of a direct-recording electronic device.*

Proposed New Subsection: (e) A tangible physical object which may be marked, punched, written upon or otherwise indelibly affected by the physical action of the individual voter or the voters aide, which is ultimately susceptible to content recognition for vote counting purposes by a human being through the use of ordinary human physical senses. Nothing in this subsection is intended to prohibit or limit the use of electronic, mechanical, optical, or other legally approved methods of reading or counting tangible ballots. Nothing in this subsection is intended to prohibit or limit the use of electronic devices by disabled voters, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic, or electronic and mechanical devices, and such tangible ballot is retained for vote counting and vote verification purposes.